

## STATE OF LOUISIANA

### DEPARTMENT OF ENVIRONMENTAL QUALITY

**IN THE MATTER OF:**

**AMERICAN SUGAR REFINING, INC.**

**AI # 1329**

**PROCEEDINGS UNDER THE LOUISIANA  
ENVIRONMENTAL QUALITY ACT  
LA. R.S. 30:2001, ET SEQ.**

\* Settlement Tracking No.  
\* SA-WE-07-0027  
\*  
\* Enforcement Tracking No.  
\* WE-C-97-0407, WE-C-97-0407A,  
\* WE-PP-00-0277, WE-C-01-0013,  
\* WE-CN-02-0237, WE-CN-02-0237A,  
\* WE-CN-02-0237B, WE-CN-02-0237C  
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\*  
\* Docket No. 2004-7413-EQ  
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## SETTLEMENT

The following Settlement is hereby agreed to between American Sugar Refining, Inc. ("Respondent") and the Department of Environmental Quality ("DEQ" or "the Department"), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. ("the Act").

### I

Respondent is a corporation who operates a cane sugar refinery facility at Arabi, St. Bernard Parish, Louisiana ("the Facility").

### II

On June 9, 1998, the Department issued a Compliance Order, Enforcement No. WE-C-97-0407, to Domino Sugar Corporation, Respondent's predecessor in title and the previous operator of the facility, which was based upon the following findings of fact:

Respondent owns and/or operates a cane sugar refinery located at 7417 N. Peters Street in Arabi, St. Bernard Parish, Louisiana. Respondent is authorized to discharge certain quantities and/or qualities of wastewater and stormwater runoff into the Mississippi River, waters of the state, under the terms and conditions of Louisiana Discharge Elimination System (LPDES) permit LA0005665 effective on October 26, 1992, with the expiration date of October 25, 1997. On or about April 10, 1995, an application for the renewal of LPDES permit LA0005665 was submitted in a timely manner; therefore, Respondent is authorized to continue discharging under its previous permit. On May 1, 1997, Respondent submitted an updated application for an LPDES permit which has become an LPDES permit application which is currently under administrative review.

An inspection conducted by the Department on or about November 7, 1996, revealed that the Respondent failed to comply with the terms and conditions of LPDES permit LA0005665. Specifically, the following violations were noted during the inspection:

- A. Records and Reports were unsatisfactory. The sampling times recorded on the field sheets for Outfalls 001 and 002 did not correspond with the sampling times recorded on the laboratory bench sheets. Additionally, Respondent only recorded the pH value after the pH meter had been calibrated, instead of recording the initial and final pH values.
- B. Operation and Maintenance were unsatisfactory. Specifically, the stormwater pipe connecting the calcium carbonate pile to the wastewater treatment plant was broken.

The deficiency noted in A above is in violation of the LPDES permit LA0005665 (Part III, Section C), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.2355.A, LAC 33:IX.2355.E, and LAC 33:IX.2355.J.3. The deficiency noted in B is in violation of LPDES permit LA0005665 (Part I, Section C and Part III, Section B), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.E.

Another routine compliance inspection conducted by the Department on or about December 11 and 12, 1997, revealed that Respondent failed to comply with the terms and conditions of LPDES permit LA0005665. The following deficiencies were noted during the course of the inspection:

- A. The permit application was deficient. Specifically, the permit application that was submitted on April 11, 1997, did not include the flue gas scrubber, boiler blowdown, or liquid sugar scrubber as contributing streams to outfall 002. Additionally, neither the current permit or permit application makes reference to potable water treatment plant clarifier underflow (sludge) as a component being returned to the Mississippi River. Also, neither the current permit or permit application addresses stormwater discharge as a contributing stream to Outfall 001; the TSS load is not addressed through current monitoring procedures.
- B. The flow measurement was unsatisfactory. Specifically, permittee was determining the amount of water entering the plant from the Mississippi River using flow meters, however, flow meters were not used to record flow at Outfall 001 and 002 as specified in the permit.
- C. The self-monitoring program was unsatisfactory. Permittee was estimating flow at Outfalls 001 and 002 and at the contributing streams and assuming that the flow was constant; this flow is then used to calculate loadings.
- D. The laboratory was marginal. Specifically, TSS duplicates were not being run on at least 10% of the samples, pH calibration log sheets did not indicate before and after calibration values (as noted in previous inspection of November 7, 1996), and aluminum evaporating dishes were being used for TSS testing when porcelain, platinum, or glass are referenced in the standard methods.
- E. Records and reports were marginal. pH values were not reported on February 1997 and May 1997 DMRs. Also, the flow value was not reported for Outfall Sum (Outfalls 001 and 002) on its DMR (Discharge Monitoring Report) for the monitoring period of May 1997.

The deficiencies noted in A constitute violations of LPDES Permit LA0005665 (Part III, Section D, and Part I, Section C), La. R.S. 30:2076 (A) (1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, LAC 33:IX.2355.A, LAC 33:IX.2355.L.1.b, LAC 33:IX.2355.L.1.c, and LAC 33:IX.2767.A.3. The deficiencies noted in B, C, D, and E above are in violation of LPDES

permit LA0005665 (Part I, Sections A and C and Part III, Section A.2 and D), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.2355.A, LAC 33:IX.2355.E, LAC 33:IX.2355.J.1, and LAC 33:IX.2355.L.4.a.

Further inspection conducted by the Department on or about December 11 and 12, 1997, revealed the following operation and maintenance and effluent/receiving water violations:

- A. Operation and maintenance was unsatisfactory. Specifically, there was no secondary containment or diversionary structures provided around tanks containing HCl used at the potable water plant. The stormwater pipe from CaCO<sub>3</sub> wastewater treatment plant was broken (as noted on previous inspection of November 7, 1996). Additionally, permittee reported a TSS excursion on November 25, 1997, due to filamentous biomass upset at the wastewater treatment plant.
- B. Effluent/Receiving Waters was marginal. A slight oil sheen was observed at outfall 002, to the Mississippi River, waters of the state; permittee stated that a seal needed replacing on a machine.

Failures to properly operate and maintain the facility constitute violations of LPDES permit LA0005665 (Part I, Section C, and Part III, Section B), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.907.D, LAC 33:IX.2355.A, and LAC 33:IX.2355.E. Failures to maintain effluent/receiving water quality constitute violations of LPDES permit LA0005665 (Part I, Section A, and Part III, Section A), La. R.S. 30:2075, La. R.S. 30:2076 (A) (1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.C, LAC 33:IX.501.D, LAC 33:IX.1113.B.1.b., and LAC 33:IX.2355.A.

Respondent submitted a letter dated January 20, 1998, to the Department which addressed the circumstances surrounding the alleged violations ascertained during the December 11 and 12, 1997, inspection and the actions taken and/or the actions that will be taken to achieve compliance.

In the letter submitted to the Department, the following violations were addressed:

- A. pH violations
- B. TSS violations
- C. Observed deficiencies: including rainbow sheen, secondary containment around acid containers, and stormwater pipe.
- D. Flow violations
- E. Records and reports deficiencies

A file review conducted by the Department on or about April 9, 1998, revealed that Respondent caused or allowed the discharge of inadequately treated wastewater to the Mississippi River, waters of the state. Evidence of the permit effluent violations was demonstrated by Respondent's submittal of DMRs to the Department. Effluent violations for Outfall SUM A (combination of Outfalls 001 and 002) for the period of September 1996 through December 1997 are summarized in the following table.

<b>DMR Date</b>	<b>Parameter</b>	<b>Permit Limits</b>	<b>Reported Values</b>	<b>Units</b>
9/96	BOD (avg)	2567	4963.8	LBS/DY
	TSS (avg)	537	685.3	
12/96	pH (max)	9.0	9.1	SU
2/97	pH (max)	9.0	9.4	SU
3/97	pH (max)	9.0	9.5	SU
8/97	BOD (avg)	2567	3106	LBS/DY
	TSS (max)	1612	2068	
11/97	TSS (avg)	537	1096	LBS/DY
	TSS (max)	1612	3975	
12/97	BOD (avg)	2567	2761	LBS/DY

These effluent violations constitute violations of LPDEA permit LA0005665 (Part I, Sections A and B, and Part III, Section A.), La R.S. 30:2076 (A) (1), La R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2355.A.

Further review by the Department revealed that Respondent failed to submit data for flow during the monitoring period ending January 31, 1997. Additionally, a non-compliance report submitted to the Department dated February 13, 1997, indicated that Respondent sampled BOD incorrectly during the monitoring period ending January 31, 1997. Respondent also failed to submit non-compliance reports for violations occurring in August 1997 and December 1997. On December 9, 1997, the Respondent submitted to the Department a non-compliance report addressing November violations; however, Respondent failed to include TSS average violation in report. Failures to properly sample and report effluent measurements constitute violations of LPDES permit LA0005665 (Part I, Section B, and Part III, Section A), La. R.S. 30:2076 (A), LAC 33:IX.501.A, LAC 33:IX.2355.A, LAC 33:IX.2355.E, and LAC 33:IX.2355.J.1. Failure to report an excursion of the permit limit for a pollutant within 5 days constitutes violation of LPDES permit LA0005665 (Part III, Section D) La. R.S. 30:2076 (A)(3), La. R.S. 30:2076 (D), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.L.7.

Further review by the Department on or about April 9, 1998, revealed that Respondent did cause or allow the unanticipated discharge of rainwater from the containment pond, to the Mississippi River, waters of the state, during the monitoring period ending January 31, 1998. Specifically, the unanticipated discharge was due to a failure of the rainwater containment levee.

Failure to properly operate and maintain is in violation of LPDES permit LA0005665 (Part III, Section B.), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.E.

On June 14, 2000, the Department issued an Amended Compliance Order, Enforcement No. WE-C-97-0407A, to the Respondent amending the Compliance Order, Enforcement No. WE-C-97-0407, issued on June 9, 1998, as follows:

The Department hereby amends Paragraph II of the Findings of Fact in Compliance Order WE-C-97-0407 to read as follows:

“II.

An inspection conducted by the Department on or about November 7, 1996, revealed that the Respondent failed to comply with the terms and conditions of LPDES permit LA0005665. Specifically, records and reports were unsatisfactory. The sampling times recorded on the field sheets for Outfalls 001 and 002 did not correspond with the sampling times recorded on the laboratory bench sheets. Additionally, Respondent only recorded the pH value after the pH meter had been calibrated, instead of recording the initial and final pH values. The deficiency noted above is in violation of the LPDES permit LA0005665 (Part III, Section C), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, LAC 33:IX.2355.E, and LAC 33:IX.2355.J.3.”

Paragraph III of the Findings of Fact in Compliance Order WE-C-97-0407 was amended to read as follows:

“III.

Another routine compliance inspection conducted by the Department on or about December 11 and 12, 1997, revealed that Respondent failed to comply with the terms and

conditions of LPDES permit LA0005665. The following deficiencies were noted during the course of the inspection, specifically:

- A. The permit application that was submitted on April 11, 1997, did not include the flue gas scrubber, boiler blowdown, or liquid sugar scrubber as contributing streams to Outfall 002. Additionally, neither the current permit nor permit application made reference to potable water treatment plant clarifier underflow (sludge) as a component being returned to the Mississippi River.
- B. The permittee was determining the amount of water entering the plant from the Mississippi River using flow meters, however, flow meters were not used to record flow at Outfall 001 as specified in the permit.
- C. The permittee was estimating flow at Outfall 001 and at the contributing streams and assuming that the flow was constant; this flow was then used to calculate loading.
- D. The TSS duplicates were not being run on at least 10% of the samples, pH calibration log sheets did not indicate before and after calibration values (as noted in previous inspection of November 7, 1996), and aluminum evaporating dishes were being used for TSS testing when porcelain, platinum, or glass were referenced in the standard methods.
- E. The pH values were not reported on February 1997 and May 1997 Discharge Monitoring Reports (DMRs). Also, the flow value was not reported for the Outfall Sum (Outfalls 001 and 002) on its DMR for the monitoring period of May 1997.

The deficiencies noted in item A above constitute violations of LPDES permit LA0005665 (Part III, Section D.1.a.2), La. R.S. 30:2076 (A) (1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, LAC 33:IX.2355.A, LAC 33:IX.2355.L.1.b, LAC 33:IX.2355.L.1.c, and LAC 33:IX.2767.A.3. The deficiencies noted items in B, C, D, and E above are in violation of LPDES permit LA0005665 (Part I, Sections C, and Part III, Sections A.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, LAC 33:IX.2355.E, LAC 33:IX.2355.J.1, and LAC33:IX.2355.L.4.a.”



The Department hereby amends Paragraph VII of the Findings of Fact in Compliance Order No. WE-C-97-0407 to read as follows:

“VII.

Further review by the Department revealed that Respondent failed to submit data for flow during the monitoring period ending May 31, 1997. Additionally, a noncompliance report submitted to the Department dated February 13, 1997 indicated that Respondent failed to comply with proper holding times for BOD during the monitoring period ending January 31, 1997. The failure to comply with proper quality assurance procedures and report effluent measurements is in violation of La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.2355.A, LAC 33:IX.2355.E, and LAC 33:IX.2355.J.1.”

The Department incorporated all of the remainder of the original Compliance Order, Enforcement Tracking No. WE-C-97-0407, as if reiterated therein, and the Amended Compliance Order was made effective upon receipt.

On August 31, 2000, the Department issued a Notice of Potential Penalty, Enforcement No. WE-PP-00-0277, to Tate & Lyle North American Sugars, Inc., predecessor in title and operator of the subject facility, based on the following findings of fact:

On or about November 7, 1996, December 11 and 12, 1997, and February 24, 2000, inspections were conducted at, and on June 27, 2000, a subsequent file review was conducted on, Tate & Lyle North American Sugars, Inc., to determine the degree of compliance with the Louisiana Environmental Quality Act and Water Quality Regulations. This facility is located at 7417 N. Peters Street in Arabi, St. Bernard Parish, Louisiana. Respondent is authorized to discharge certain quantities and/or qualities of wastewater and stormwater runoff into the

Mississippi River, waters of the state, under the terms and conditions of Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0005665 effective on October 26, 1992, with an expiration date of October 25, 1997. On or about April 10, 1995, an application for the renewal of LPDES permit LA0005665 was submitted in a timely manner; therefore, Respondent is authorized to continue discharging under its existing permit. On or about May 1, 1997, Respondent submitted an updated application for its LPDES permit.

The following violations were noted during the course of the inspections and subsequent file review:

The inspection conducted by the Department on or about November 7, 1996, revealed that Respondent failed to comply with the terms and conditions of LPDES permit LA0005665. Specifically, records and reports were deficient. The sampling times recorded on the field data sheets for Outfalls 001 and 002 did not correspond with the sampling times recorded on the laboratory bench sheets. Additionally, Respondent only recorded the pH value after the pH meter had been calibrated, instead of recording the initial and final pH values. The deficiency noted above is in violation of LPDES permit LA0005665 (Part III, Sections C.4.a and C.4.f), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, LAC 33:IX.2355.E, and LAC 33:IX.2355.J.3.

Another routine compliance inspection conducted by the Department on or about December 11 and 12, 1997, revealed that Respondent failed to comply with the terms and conditions of LPDES permit LA0005665. The following deficiencies were noted during the course of the inspection, specifically:

- A. The permit application that was submitted on April 11, 1997, did not include the flue gas scrubber, boiler blowdown, or liquid sugar scrubber as contributing

streams to Outfall 002. Additionally, neither the current permit or permit application made reference to potable water treatment plant clarifier underflow (sludge) as a component being returned to the Mississippi River.

- B. The permittee was determining the amount of water entering the plant from the Mississippi River using flow meters, however, flow meters were not used to record flow at Outfall 001 as specified in the permit.
- C. The permittee was estimating flow at Outfall 001 and at the contributing streams and assuming that the flow was constant; this flow was then used to calculate loading.
- D. The TSS duplicates were not being run on at least 10% of the samples, pH calibration log sheets did not indicate before and after calibration values (as noted in previous inspection of November 7, 1996), and aluminum evaporating dishes were being used for TSS testing when porcelain, platinum, or glass are referenced in the standard methods.
- E. The pH values were not reported on February 1997 and May 1997 Discharge Monitoring Reports (DMRs). Also the flow value was not reported for the Outfall Sum (Outfalls 001 and 002) on its DMR for the monitoring period of May 1997.

The deficiencies noted in item A above constitute violations of LPDES permit LA0005665 (Part III, Section D.1.a.2), La. R.S. 30:2076 (A) (1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, LAC 33:IX.2355.A, LAC 33:IX.2355.L.1.b, LAC 33:IX.2355.L.1.c, and LAC 33:IX.2767.A.3. The deficiencies noted in items B and C above are in violation of LPDES permit LA0005665 (Part I, Section A, and Part III, Section A.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2355.A. The deficiencies noted in items D and E above are in violation of LPDES permit LA0005665 (Part I, Section C, and Part III, Section A.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A., LAC 33:IX.2355.E, LAC 33:IX.2355.J.1, and LAC 33:IX.2355.L.4.a.

Further inspection conducted by the Department on or about December 11 and 12, 1997, revealed the following operation and maintenance and effluent/receiving water violations:

- A. Operation and maintenance. Specifically, there was no secondary containment or diversionary structures provided around tanks containing HCL used at the potable water plant.
- B. Effluent/Receiving Waters. The permittee reported a TSS excursion on November 25, 1997, due to a filamentous biomass upset at the wastewater treatment plant. A slight oil sheen was observed at Outfall 002. The permittee stated that a seal needed replacing on a machine.

Failure to properly operate and maintain the facility constitutes violations of LPDES permit LA0005665 (Part III, Section B.3.a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.907.D, LAC 33:IX.2355.A, and LAC 33:IX.2355.E. Failure to maintain effluent/receiving water quality constitutes violations of LPDES permit LA0005665 (Part I, Section A, and Part III, Section A.2), La. R.S. 30:2076 (A) (1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.C, LAC 33:IX.501.D, LAC 33:IX.1113.B.1.b, and LAC 33:IX.2355.A.

Respondent submitted a letter dated January 20, 1998, to the Department which addressed the circumstances surrounding the alleged violations ascertained during the December 11 and 12, 1997, inspection and the actions taken and/or the actions that will be taken to achieve compliance.

In the letter submitted to the Department, the following violations were addressed:

- A. pH violations,
- B. TSS violations,
- C. Observed deficiencies: including rainbow sheen, secondary containment around acid containers, and the stormwater pipe,
- D. Flow violations,
- E. Record keeping and reporting deficiencies.

Additional file review conducted by the Department revealed that Respondent caused or allowed the discharge of inadequately treated wastewater to the Mississippi River, waters of the state. Evidence of the permit effluent violations was demonstrated by Respondent's submittal of

DMRs to the Department. Effluent violations for Outfalls SUM A (combination of Outfalls 001 and 002) for the period of September 1996 through December 1997 are summarized in the following table:

DMR DATE	Parameter	Permit Limits	Reported Values	Units
9/96	BOD (avg)	2,567	4,963.8	LBS/DY
	TSS (avg)	537	685.3	LBS/DY
12/96	pH (max)	9.0	9.1	SU
2/97	pH (max)	9.0	9.4	SU
3/97	pH (max)	9.0	9.5	SU
8/97	BOD (avg)	2,567	3,106	LBS/DY
	TSS (max)	1,612	2,068	LBS/DY
11/97	TSS (avg)	537	1,096	LBS/DY
	TSS (max)	1,612	3,975	LBS/DY
12/97	BOD (avg)	2,567	2,761	LBS/DY

The above-noted effluent excursions are in violation of LPDS permit LA0005665 (Part I, Section A, and Part III, Section A.2), La. R.S. 30:2076 (A) (1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2355.A.

Further review by the Department revealed that Respondent failed to submit data for flow during the monitoring period ending May 31, 1997. Additionally, a noncompliance report submitted to the department dated February 13, 1997, indicated that Respondent failed to comply with proper holding times for BOD during the monitoring period ending January 31, 1997. The failure to comply with proper quality assurance procedures and the failure to report effluent measurements are in violation of LPDES permit LA0005665 (Part III, Section A.2, and Part III, Sections B.3 and C.2) La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, LAC 33:IX.2355.E, and LAC 33:IX.2355.J.1.

Further review by the Department on or about April 9, 1998, revealed that Respondent did cause or allow the unanticipated discharge of rainwater from the containment pond to the

Mississippi River, waters of the state, during the monitoring period ending January 31, 1998. Specifically, the unanticipated discharge was due to a failure of the rainwater containment levee. Failure to properly operate and maintain the containment system is in violation of LPDES permit LA0005665 (Part III, Section A.2, and Part III, Section B.3.a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.E.

Respondent was issued Compliance Order WE-C-97-0407 on June 9, 1998, for the above-referenced violations. This compliance Order was appealed on September 23, 1998, and was subsequently amended by the Department on June 14, 2000.

An inspection conducted by the Department on or about February 24, 2000, revealed that Respondent's in-house lab did not have a daily temperature log for the sample refrigerator or for the TSS oven, and the TSS oven temperature exceeded the range allowed by the test procedure. Also, the Respondent was not using chain of custody forms for the samples (BOD) analyzed by a contract laboratory. Failure to record and maintain sample oven temperature and daily temperature logs and failure to use chain of custody forms are in violation of LPDES permit LA0005665 (Part III, Section B.3.a and Part III, Section C.3), Compliance Order WE-C-97-0407, La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, LAC 33:IX.2355.E, LAC 33:IX.2355.J.2, and LAC 33:IX.2775.

Further inspection conducted by the Department on or about February 24, 2000, revealed that the overflow weir on the clarifier was not level and was causing the flow to short-circuit, contributing to high TSS levels in the effluent from the wastewater treatment plant (WWTP). Also, the return activated sludge pump was leaking at the WWTP. Failure to operate and maintain its equipment is in violation of LPDES permit LA0005665 (Part III, Section A.2 and

Part III, Section B.3.a), Compliance Order WE-C-97-0407, La. R. S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.E.

Further inspection conducted by the Department on or about February 24, 2000, and a subsequent file review disclosed that Respondent did cause and/or allow the discharge of stormwater to an unnamed ditch, thence into the Mississippi River, waters of the state, from two unpermitted outfalls. These unauthorized discharges are located on the north end of the facility. These unpermitted outfalls are in violation of Compliance Order WE-C-97-0407, La. R.S. 30:2075, La. R. S. 30:2076 (A) (1) (a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.501.D.

A file review conducted by the Department on or about August 21, 2000, revealed the following permit excursions, as reported by Respondent on DMRs:

DMR DATE	Parameter	Permit Limits	Reported Values	Units
4/98	BOD (avg)	2,567	5,818	LBS/DY
	BOD (max)	7,104	21,058	LBS/DY
01/00	TSS (avg)	537	739	LBS/DY
03/00	TSS (avg)	537	969	LBS/DY
	TSS (max)	1,612	1,857	LBS/DY
04/00	TSS (avg)	537	1,114	LBS/DY
	TSS (max)	1,612	3,372	LBS/DY

Respondent's failure to meet the effluent limitations of its permit constitutes violations of LPDES permit LA0005665 (Part I, Section A and Part III, Section A.2), Compliance Order WE-C-97-0407 (monitoring periods from 1/00 to 4/00 only), La. R.S. 30:2075, La. R. S. 30:2076 (A) (1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2355.A.

On February 23, 2001, the Department issued a Compliance Order, Enforcement No. WE-C-01-0013, to Tate & Lyle North American Sugars, Inc. based on the following findings of fact:

An inspection conducted by the Department on or about February 24, 2000, revealed that Respondent's in-house lab did not have a daily temperature log for the sample refrigerator or for the TSS oven, and that the TSS oven temperature exceeded the range allowed by the test procedure. Also, the Respondent was not using chain of custody forms for the samples (BOD) analyzed by a contract laboratory. Failure to record and maintain sample oven temperature and daily temperature logs and failure to use chain of custody forms are in violation of LPDES permit LA0005665 (Part III, Sections A.2, B.3.a, C.3, and C.5), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, LAC 33:IX.2355.E, LAC 33:IX.2355.J.2, and LAC 33:IX.2775.

An inspection conducted by the Department on or about February 24, 2000, revealed that the overflow weir on the clarifier was not level and was causing the flow to short-circuit, contributing to high TSS levels in the effluent from the wastewater treatment plant (WWTP). Also, the return activated sludge pump was leaking at the WWTP. Failure to operate and maintain its equipment is in violation of LPDES permit LA0005665 (Part III, Sections A.2, and B.3.a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.E.

An inspection conducted by the Department on or about February 24, 2000, and a subsequent file review disclosed that Respondent did cause and/or allow the discharge of stormwater to an unnamed ditch thence into the Mississippi River, waters of the state, from two unpermitted outfalls located at the north end of the facility. These unpermitted discharges are in violation of La. R.S. 30:2075, La. R.S. 30:2076 (A) (1) (a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2355.A.



A file review conducted by the Department on or about February 8, 2001, revealed the following excursions as reported by the Respondent on its DMRs:

<b>DMR Date</b>	<b>Parameter</b>	<b>Permit Limits (lbs/day)</b>	<b>Reported Values (lbs/day)</b>
April 1998	BOD (avg)	2,567	5,818
	BOD (max)	7,104	21,058
January 2000	TSS (avg)	537	739
March 2000	TSS (avg)	537	969
	TSS (max)	1,612	1,857
April 2000	TSS (avg)	537	1,114
	TSS (max)	1,612	3,372

The discharge of inadequately treated wastewater constitutes a violation of the terms and conditions of LPDES permit LA0005665 (Part I, Section A; Part III, Section A.2), La. R.S. 30:2075, La. R.S. 30:2076 (A)(1), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2355.A.

In response to the Compliance Order, Respondent made a timely request for a hearing.

On May 30, 2003, the Department issued a Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. WE-CN-02-0237, to the Respondent, American Sugar Refining, Inc., based on the following finds of fact:

On October 27, 2000, the Respondent submitted an updated application for an LPDES permit. On August 23, 2002, the Respondent advised the Department that the name of this facility had been changed from Tate & Lyle North American Sugars Inc. to The American Sugar Refining Company, effective June 28, 2002.

The Respondent, formerly known as Tate & Lyle North American Sugars, Inc., was issued Compliance Order WE-C-01-0013 on February 23, 2001, for the following violations: record keeping, operation and maintenance, unpermitted discharges, and violations of permit effluent limits. This Compliance Order mandated the Respondent to: take any and all steps necessary to meet and maintain compliance with LPDES permit LA0005665 and submit a written response to the Compliance Order. The Respondent did appeal the Compliance Order.

On March 18, 2002, the Department issued warning letter No. WE-L-02-0237 to the Respondent for effluent violations.

An inspection conducted by the Department on or about March 21, 2002, revealed that the sample refrigerator temperature was above the temperature required in the approved test method procedure. There were no samples in the refrigerator at the time of the inspection. The failure to maintain the appropriate refrigerator temperature for sample storage is in violation of LPDES permit LA0005665 (Part III, Sections A.2, and B.3.a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, LAC 33:IX.2355.E, and LAC 33:IX.2355.J.2.

Inspections conducted by the Department on or about March 21, 2002, and May 19, 2003, and a subsequent file review of the Discharge Monitoring Reports (DMRs) revealed the following permit violations from January 2001 through March 2003:

DATE	OUTFALL NUMBER	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
3/03	001	BOD <sub>5</sub> , Daily Average	2,567 lbs/day	2871 lbs/day
2/03	001	BOD <sub>5</sub> , Daily Average	2,567 lbs/day	4,387 lbs/day
		BOD <sub>5</sub> , Daily Maximum	7,104 lbs/day	12,016 lbs/day
12/02	001	BOD <sub>5</sub> , Daily Average	2,567 lbs/day	6,162 lbs/day
		BOD <sub>5</sub> , Daily Maximum	7,104 lbs/day	19,209 lbs/day
11/02	001	BOD <sub>5</sub> , Daily Average	2,567 lbs/day	4,922 lbs/day
		BOD <sub>5</sub> , Daily Maximum	7,104 lbs/day	13,937 lbs/day

DATE	OUTFALL NUMBER	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
10/02	001	BOD <sub>5</sub> , Daily Average	2,567 lbs/day	2,825 lbs/day
6/02	001	BOD <sub>5</sub> , Daily Average	2,567 lbs/day	3,131 lbs/day
		BOD <sub>5</sub> , Daily Maximum	7,104 lbs/day	10,141 lbs/day
2/02	001	BOD <sub>5</sub> , Daily Average	2,567 lbs/day	4,387 lbs/day
		BOD <sub>5</sub> , Daily Maximum	7,104 lbs/day	12,016 lbs/day
01/02	001	BOD <sub>5</sub> , Daily Average	2,567 lbs/day	3,527 lbs/day
1/01	001	TSS, Daily Average	537 lbs/day	752 lbs/day
		TSS, Daily Maximum	1612 lbs/day	19,153 lbs/day

Each of the above effluent excursions are in violation of LPDES permit LA0005665 (Part I, Section A; and Part III, Section A.2), La. R.S. 30:2076 (A) (1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2355.A.

In response to the Consolidated Compliance Order and Notice of Potential Penalty, Respondent made a timely request for a hearing.

On December 23, 2003, the Department issued an Amended Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. WE-CN-02-0237A, as follows:

The Department hereby amends Paragraph I of the Findings of Fact section of the Consolidated Compliance Order and Notice of Potential Penalty WE-CN-02-0237 to read as follows:

"I.

The Respondent owns and/or operates a cane sugar refinery located at 7417 N. Peters Street in Arabi, St. Bernard Parish, Louisiana. The Respondent is authorized to discharge certain quantities and/or qualities of wastewater and stormwater runoff into the Mississippi River, waters of the state, under the terms and conditions of Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0005665 effective on October 26, 1992, with a an expiration date of October

25, 1997. On or about April 10, 1995, an application for the renewal of LPDES permit LA0005665 was submitted in a timely manner; therefore, the Respondent is authorized to continue discharging under its previous permit. On or about May 1, 1997, the Respondent submitted an updated application for an LPDES permit. On or about October 27, 2000, the Respondent submitted another updated application for an LPDES permit, which is currently under administrative review. On or about August 23, 2002, the Respondent advised the Department that the name of this facility had been changed from Tate & Lyle North American Sugars Inc. to The American Sugar Refining Company, effective June 28, 2002.”

The Department hereby amends Paragraph V of the Findings of Fact section of the Consolidated Compliance Order and Notice of Potential Penalty WE-CN-02-0237 to read as follows:

“V.

Inspections conducted by the Department on or about March 21, 2002, and May 19, 2003, and a subsequent file review of the Discharge Monitoring Reports (DMRs) revealed the following permit violations from January 2001 through March 2003:

DATE	OUTFALL NUMBER	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
3/03	001	BOD <sub>5</sub> , Daily Average	2,567 lbs/day	2,871 lbs/day
2/03	001	BOD <sub>5</sub> , Daily Average	2,567 lbs/day	4,387 lbs/day
		BOD <sub>5</sub> , Daily Maximum	7,104 lbs/day	12,016 lbs/day
12/02	001	BOD <sub>5</sub> , Daily Average	2,567 lbs/day	6,162 lbs/day
		BOD <sub>5</sub> , Daily Maximum	7,104 lbs/day	19,209 lbs/day
11/02	001	BOD <sub>5</sub> , Daily Average	2,567 lbs/day	4,922 lbs/day
		BOD <sub>5</sub> , Daily Maximum	7,104 lbs/day	13,937 lbs/day
10/02	001	BOD <sub>5</sub> , Daily Average	2,567 lbs/day	2,825 lbs/day

DATE	OUTFALL NUMBER	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
6/02	001	BOD <sub>5</sub> , Daily Average	2,567 lbs/day	3,131 lbs/day
		BOD <sub>5</sub> , Daily Maximum	7,104 lbs/day	10,141 lbs/day
01/02	001	BOD <sub>5</sub> , Daily Average	2,567 lbs/day	3,527 lbs/day
1/01	001	TSS, Daily Average	537 lbs/day	752 lbs/day
		TSS, Daily Maximum	1612 lbs/day	1,953 lbs/day

Each of the above effluent excursions is in violation of LPDES permit LA0005665 (Part I, Section A; and Part III, Section A.2), La. R.S. 30:2076 (A) (1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2355.A.”

The Department hereby adds Paragraph VI of the Findings of Fact section of the Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. WE-CN-02-0237, to read as follows:

“VI.

On or about November 12, 2003, the Department was advised by the Respondent that a spill had occurred at its facility. Specifically, the wrong valve was closed which caused 9,630 lbs of sugar to enter into the Mississippi River, waters of the state. This unauthorized discharge is in violation of LPDES permit LA0005665, (Part I, page 2, and Part II, Section A.1), La. R.S.30:2075, La. R.S.30:2076 (A) (1), La. R.S.30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2355.A. The failure to operate and maintain equipment is in violation of LPDES permit LA0005665 (Part II, Section A.1 and Part II, Section B.1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.E.”

The Department incorporates all of the remainder of the original Consolidated Compliance Order and Notice of Potential Penalty, Enforcement Number WE-CN-02-0237 and Agency Interest Number 1329, as if reiterated herein.

This Amended Consolidated Compliance Order and Notice of Potential Penalty is effective upon receipt.

In response to the Amended Consolidated Compliance Order and Notice of Potential Penalty, Respondent made a timely request for a hearing.

On August 6, 2004, the Department issued an Amended Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. WE-CN-02-0237B, as follows:

The Department hereby amends Paragraph I of the Findings of Fact section of Amended Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. WE-CN-02-0237A, to read as follows:

“I.

The Respondent owns and/or operates a cane sugar refinery located at 7417 N. Peters Street in Arabi, St. Bernard Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0005665, effective on October 26, 1992, and expired on October 26, 1997. On or about April 10, 1995, an application for the renewal of LPDES permit LA0005665 was submitted and the permit was administratively continued. LPDES permit LA0005665 was re-issued on or about September 1, 2003, and expires on August 31, 2008. Under the terms and conditions of LPDES permit LA0005665, the Respondent is authorized to discharge certain quantities and/or qualities of wastewater and stormwater runoff into the Mississippi River, waters of the state.”

The Department hereby amends Paragraph V of the Findings of Fact section of Amended Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. WE-CN-02-0237A, to read as follows:

“V.

Inspections conducted by the Department on or about March 21, 2002, May 19, 2003, and December 11, 2003, and a subsequent file review of the Discharge Monitoring Reports (DMRs) revealed the following permit violations from January 2001 through April 2004:

DATE	OUTFALL NUMBER	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
1/04-3/04	004Q	TOC, Daily Maximum	50 mg/L	71 mg/L
2/04	001	BOD <sub>5</sub> , Daily Average	2,891 lbs/day	5,618 lbs/day
		BOD <sub>5</sub> , Daily Maximum	8,002 lbs/day	8,710 lbs/day
11/03	001	BOD <sub>5</sub> , Daily Average	2,891 lbs/day	5,049 lbs/day
		BOD <sub>5</sub> , Daily Maximum	8,002 lbs/day	9,630 lbs/day
3/03	001	BOD <sub>5</sub> , Daily Average	2,567 lbs/day	2,871 lbs/day
2/03	001	BOD <sub>5</sub> , Daily Average	2,567 lbs/day	4,387 lbs/day
		BOD <sub>5</sub> , Daily Maximum	7,104 lbs/day	12,016 lbs/day
12/02	001	BOD <sub>5</sub> , Daily Average	2,567 lbs/day	6,162 lbs/day
		BOD <sub>5</sub> , Daily Maximum	7,104 lbs/day	19,209 lbs/day
11/02	001	BOD <sub>5</sub> , Daily Average	2,567 lbs/day	4,922 lbs/day
		BOD <sub>5</sub> , Daily Maximum	7,104 lbs/day	13,937 lbs/day
10/02	001	BOD <sub>5</sub> , Daily Average	2,567 lbs/day	2,825 lbs/day
6/02	001	BOD <sub>5</sub> , Daily Average	2,567 lbs/day	3,131 lbs/day
		BOD <sub>5</sub> , Daily Maximum	7,104 lbs/day	10,141 lbs/day
1/01	001	TSS, Daily Average	537 lbs/day	752 lbs/day
		TSS, Daily Maximum	1612 lbs/day	1,953 lbs/day

Each of the above effluent excursions is in violation of LPDES permit LA0005665 (Part I, Section A; and Part III, Section A.2), La. R.S. 30:2076 (A) (1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2355.A.”

The Department incorporates all of the remainder of the original Amended Consolidated Compliance Order and Notice of Potential Penalty, Enforcement Number WE-CN-02-0237A

and Agency Interest Number 1329, as if reiterated herein.

This Amended Compliance Order and Notice of Potential Penalty is effective upon receipt.

On January 27, 2004, the Department issued a correction to the Amended Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. WE-CN-02-9237A, as follows:

An effluent violation was inadvertently included from the Amended Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. WE-CN-02-9237A. Specifically, the BOD<sub>5</sub> Daily Average excursion for the period of January 2002 should have been omitted from the table in paragraph V. Please consider this violation as rescinded.

On May 13, 2005, the Department issued an Amended Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. WE-CN-02-0237C, as follows:

The Department hereby amends Paragraph V of the Findings of Fact of Amended Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. WE-CN-02-0237B, to read as follows

“V.

Inspections conducted by the Department on or about March 21, 2002, May 19, 2003, December 11, 2003, and September 23, 2004, and a subsequent file review of the Discharge Monitoring Reports (DMRs) conducted by the Department on or about April 22, 2005, revealed the following permit violations from January 2001 through January 2005:



DATE	OUTFALL NUMBER	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
12/04	001	BOD <sub>5</sub> , monthly avg. BOD <sub>5</sub> , daily max.	2,891 lbs/day 8,002 lbs/day	5,051 lbs/day 13,810 lbs/day
10/04 – 12/04	004	TOC, daily max.	50 mg/L	88.8 mg/L
10/04	001	BOD <sub>5</sub> , monthly avg.	2,891 lbs/day	3,276 lbs/day
07/04 – 09/04	004	TOC, daily max.	50 mg/L	106 mg/L
1/04 – 3/04	004	TOC, daily max.	50 mg/L	71 mg/L
2/04	001	BOD <sub>5</sub> , monthly avg. BOD <sub>5</sub> , daily max.	2,891 lbs/day 8,002 lbs/day	5,618 lbs/day 8,710 lbs/day
11/03	001	BOD <sub>5</sub> , monthly avg. BOD <sub>5</sub> , daily max.	2,891 lbs/day 8,002 lbs/day	5,049 lbs/day 9,630 lbs/day
3/03	001	BOD <sub>5</sub> , daily avg.	2,567 lbs/day	2,871 lbs/day
2/03	001	BOD <sub>5</sub> , daily avg. BOD <sub>5</sub> , daily max.	2,567 lbs/day 7,104 lbs/day	4,387 lbs/day 12,016 lbs/day
12/02	001	BOD <sub>5</sub> , daily avg. BOD <sub>5</sub> , daily max.	2,567 lbs/day 7,104 lbs/day	6,192 lbs/day 19,209 lbs/day
11/02	001	BOD <sub>5</sub> , daily avg. BOD <sub>5</sub> , daily max.	2,567 lbs/day 7,104 lbs/day	4,922 lbs/day 13,937 lbs/day
10/02	001	BOD <sub>5</sub> , daily avg.	2,567 lbs/day	2,825 lbs/day
6/02	001	BOD <sub>5</sub> , daily avg. BOD <sub>5</sub> , daily max.	2,567 lbs/day 7,104 lbs/day	3,131 lbs/day 10,141 lbs/day
1/01	001	TSS, daily avg. TSS, daily max.	537 lbs/day 1,612 lbs/day	752 lbs/day 1,953 lbs/day

Each of the above effluent excursions is in violation of LPDES permit LA0005665 (Part I, Section A; and Part III, Section A.2), La. R.S. 30:2076 (A) (1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2701.A. The Respondent reported “No Flow” on the 4<sup>th</sup> quarter 2004 DMR for Outfall 004. However, the Respondent reported a sample value of 88.8 mg/L for the Total Organic Chemical (TOC) parameter.”

The Department incorporates all of the remainder of the original Amended Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. WE-CN-02-0237B, Agency Interest No. 1329, as if reiterated herein.

This Amended Compliance Order and Notice of Potential Penalty is effective upon receipt.

### III

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

### IV

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of FIFTEEN THOUSAND AND NO/100 DOLLARS (\$15,000.00), of which Two Thousand Six Hundred Twenty-eight and 85/100 Dollars (\$2,628.85) represents DEQ's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to DEQ as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

### V

Respondent further agrees that the Department may consider the inspection report(s), the Compliance Orders, Consolidated Compliance Orders and Notices of Potential Penalty, Amended Enforcement Actions, and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

## VI

This agreement shall be considered a final order of the secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this agreement in any action by the Department to enforce this agreement.

## VII

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in LSA- R. S. 30:2025(E) of the Act.

## VIII

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in St. Bernard Parish, Louisiana. The advertisement, in form, wording, and size approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted a proof-of-publication affidavit to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

## IX

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the

Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

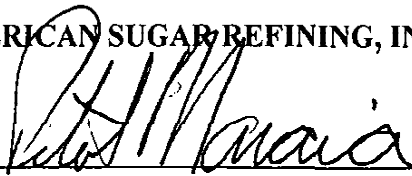
#### X

In consideration of the above, any claims for penalties are hereby compromised and settled in accordance with the terms of this Settlement.

#### XI

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his/her respective party, and to legally bind such party to its terms and conditions.

AMERICAN SUGAR REFINING, INC.

BY:   
(Signature)

PETER M. MARALA  
(Print)

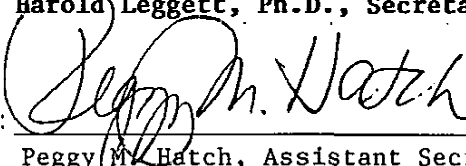
TITLE: Plant Mgr

THUS DONE AND SIGNED in duplicate original before me this 1st day of November, 20 07, at 234 Maple Ave., Arabi, LA.

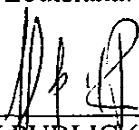
  
NOTARY PUBLIC (ID # 009258)

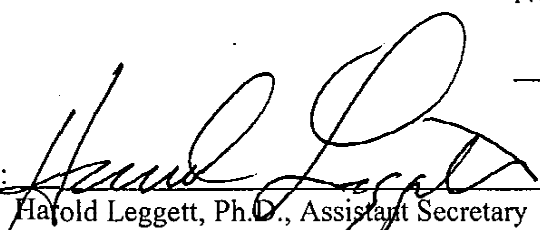
Edwin M. Roy, Jr.  
(Print)

LOUISIANA DEPARTMENT OF  
ENVIRONMENTAL QUALITY  
Harold Leggett, Ph.D., Secretary

BY:   
Peggy M. Hatch, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 15th day of February, 20 08, at Baton Rouge, Louisiana.

  
NOTARY PUBLIC (ID # 40539)  
Jeff R. Boyle, Jr.  
(Print)

Approved:   
Harold Leggett, Ph.D., Assistant Secretary